IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.MC.No. 2909 of 2000()

CRRP.78/1995 of SESSIONS COURT, MANJERI
MC.68/1994 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM
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PETITIONER: REVISION PETITIONER/PETITIONER

K.K.SAKEENA, D/O.K.KUNHIMOIDEEN,
KOAHINHIKKODAN HOUSE,
OORAKAM KEEZHMURI, ERNAD,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: RESPONDENTS/RESPONDENTS
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1. KARUMBAN USMAN,
S/O.MOIDEENKUTTY, KARUMBAN HOUSE,
VETTATHODE, VENGARA, AMSOM & DESOM
TIRUR TALUK, MALAPPURAM DISTRICT.

2. STATE OF KERALA REP.BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C. NO. 2909 of 2000

Dated this the 26th day of July, 2007

ORDER

The revision petitioner is the petitioner in M.C.68/94 filed under section 3(1) of the Muslim Women (Protection of Rights on Divorce) Act. The petitioner had claimed a sum of Rs.One lakh as fair provision and Rs.2250/- as maintenance during the Iddat period. It was alleged that the respondent is having an income of Rs.25,000/- per month from his employment abroad and Rs.5000/- as income from his landed properties. The respondent had denied the above allegations as to the income.

2. The evidence adduced in the matter consisted of the testimony of PW-1; Exts.P1; CPWs 1 and 2 and Exts.R1 to R4.

3. The trial court after considering the evidence in the matter allowed a sum of Rs.1500/- as maintenance during the iddat period; Rs.30,000/- as reasonable and fair provision under section 3(1)(a) of the Act and Rs.4,800/- as maintenance expenses of the child under section 3(1)(b) of the Act. Both sides filed R.Ps before the Sessions Court. The revision petitioner herein had claimed before the revisional court fair provision calculated by applying the multiplier of

180, i.e.15 years' maintenance. The revisional court rejected the above prayer.

4. I find that regarding the income of the respondent, no objective evidence has been adduced. The version is only that of the interested testimony of both sides. Of course, he has admitted that he was employed abroad at that time. The contention before the revisional court is confined to the claim for applying the multiplier of 180. Evidently, the above claim cannot be allowed. The trial court had applied the multiplier of 60 which is the established mode of calculating the fair provision.

In the circumstances, there is no merit in the M.C filed. The same is dismissed.

K.R.UDAYABHANU, JUDGE.

Kvm/

K.R.UDAYABHANU, J.

CRL.M.C. NO.2909 OF 2000

ORDER

26-7-2007.